

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

TYSON FOODS, INC., et al, )

Defendants. )

4:05-CV-00329-TCK-SAJ

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VOLUME I OF THE VIDEOTAPED  
30(b)(6) DEPOSITION OF TIM ALSUP, produced as a  
witness on behalf of the Plaintiff in the above  
styled and numbered cause, taken on the 24th day of  
June, 2008, in the City of Tulsa, County of Tulsa,  
State of Oklahoma, before me, Lisa A. Steinmeyer, a  
Certified Shorthand Reporter, duly certified under  
and by virtue of the laws of the State of Oklahoma.

**TULSA FREELANCE REPORTERS**  
**918-587-2878**

**EXHIBIT**

**18**

1 transported out of the Illinois River watershed,  
2 please state, broken down by year, how the poultry  
3 waste was disposed, that is, its land application in  
4 the watershed, burning as fuel, et cetera, and the  
5 amount disposed of. The response goes to say by 02:58PM  
6 Cargill, to the knowledge of Cargill, Inc., any  
7 litter generated by operations formerly owned by  
8 Cargill, Inc., in the IRW would have been either  
9 land applied in a manner consistent with state  
10 approved nutrient management plans produced at 02:58PM  
11 documents number so and so or sold as an in-kind  
12 transfer to contractors who cleaned out Cargill,  
13 Inc.'s poultry houses. Now, that says it was land  
14 applied. It doesn't say it was land applied on its  
15 own land. Is that your distinction you are making 02:58PM  
16 today for Cargill, Inc.?

17 MR. WALKER: Object to the form.

18 A Sir, it says either. There was no records to  
19 what this contractor did with the litter.

20 Q Did Cargill itself clean its own houses out at 02:59PM  
21 any time and not rely on a third-party contractor?

22 A That started in 2005 -- no. I'm sorry. We're  
23 talking Cargill, Inc. No, sir, Cargill, Inc., has  
24 not.

25 Q Okay. So the entire time it's operated its 02:59PM

1 breeder farms in the IRW, Cargill, Inc., has not  
2 cleaned out its breeder farm houses from the poultry  
3 waste generated inside?

4 MR. WALKER: Object to the form.

5 A There has not been a Cargill employee that has 02:59PM  
6 done that.

7 Q Okay. Has Cargill Turkey, LLC, caused poultry  
8 waste generated at the breeder farms to be land  
9 applied on land owned by Cargill, Inc.?

10 MR. WALKER: Object to the form. 03:00PM

11 A Can you ask that one more time?

12 Q Yeah, and has Cargill Turkey, LLC, caused  
13 poultry waste generated at the breeder farms to be  
14 land applied on land owned by Cargill, Inc., or  
15 Cargill, LLC? 03:00PM

16 A There has been some land application after  
17 2004.

18 Q There's been some land application after 2004?

19 A Up to 2005.

20 Q Where? 03:00PM

21 A There was -- I have seen some -- there was  
22 some land litter applied assuming by the contractor  
23 on Cargill lands or CTP, LLC, lands between '04 and  
24 '05.

25 Q When you say those lands, are you talking 03:01PM

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15 TYSON FOODS, INC., et al, )

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17 - - - - -

18 VOLUME II OF THE VIDEOTAPED  
 19 30(b)(6) DEPOSITION OF TIM ALSUP, produced as a  
 20 witness on behalf of the Plaintiff in the above  
 21 styled and numbered cause, taken on the 25th day of  
 22 June, 2008, in the City of Tulsa, County of Tulsa,  
 23 State of Oklahoma, before me, Lisa A. Steinmeyer, a  
 24 Certified Shorthand Reporter, duly certified under  
 25 and by virtue of the laws of the State of Oklahoma.

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1 Q Did you talk to anyone else?

2 A No, sir.

3 Q Did you review any documents with regard to  
4 that subject matter?

5 A No, sir. 09:08AM

6 Q When you talked to Miss Herato or Miss  
7 Huertado, what did you ask her and what did she say?

8 A I asked Cecilia what did she remember about  
9 when farms were being cleaned out, what did she  
10 remember happening to the litter, and that's what 09:08AM  
11 she told me what she remembered.

12 Q What did she tell you?

13 A That a contractor would come in and clean out  
14 the houses and take most of the litter away and it  
15 was -- she didn't know exactly where it went. She 09:09AM  
16 thought it went to adjacent land, adjacent  
17 farmlands, and then some of it was spread on the  
18 breeder farms.

19 Q Did you talk to any other breeder farm manager  
20 other than this one at Farm 6? 09:09AM

21 A No, sir.

22 Q Did you make an attempt to inquire as to the  
23 breeder farm managers at those farms numbered 1  
24 through 5?

25 A No, sir. 09:09AM

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1 except what you've told me this morning?

2 MR. WALKER: Object to the form.

3 A Third party --

4 Q Let me back up and maybe we can clarify this.

5 When this poultry waste was removed from the breeder 09:24AM

6 facilities and land applied on Cargill-owned land or  
7 farms, was the clean-out done by a third party?

8 A A contractor came and -- yes, yes.

9 Q All right. Somebody that didn't work directly  
10 for Cargill but it was contracted to do the 09:24AM

11 clean-out, actually did the clean-out, took some of  
12 the waste away and land applied some of the waste;  
13 is that a correct statement?

14 A Yes, sir.

15 Q All right, I think you told me yesterday 09:24AM  
16 nobody from Cargill, meaning an employee, cleaned  
17 out the barns themselves, but it was always this  
18 third-party contractor that did that work?

19 MR. WALKER: Object to the form.

20 A We're talking pre-2004? 09:24AM

21 Q Yes, sir.

22 A Yes, sir.

23 Q Now, since 2004 has Cargill, LLC, continued to  
24 use a third-party contractor for the times when it  
25 was removed and spread? 09:25AM

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09:25AM

09:25AM

09:25AM

09:26AM

09:26AM

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